1

2

3

5

7

6

8

9

10

12

11

13

14

15

16

17

18

19

20

21

2223

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

STATE OF ARIZONA FILED

FEB 2 2017

DEPT OF INSURANCE

In the Matter of:

ESCAMILLA, CHARLOTTE MARY (Arizona License Number 1141911) (National Producer Number 17885914)

Respondent.

No. 17A-017-INS

ORDER SUMMARILY SUSPENDING LICENSE AND NOTICE OF OPPORTUNITY FOR HEARING

The Arizona Department of Insurance (the "Department") alleges that **Charlotte Mary Escamilla** has violated provisions of Arizona Revised Statutes ("A.R.S."), Title 20 and 18

U.S.C. § 1033(e)(2). In light of the serious nature of these allegations, the Interim Director of Insurance for the State of Arizona ("Interim Director") finds that the public health, safety and welfare imperatively require emergency action, within the meaning of A.R.S. § 41-1092.11(B).

## **FINDINGS OF FACT**

- 1. Charlotte Mary Escamilla ("Respondent") is licensed as a resident property and casualty insurance producer, Arizona license number 1141911, which expires on December 31, 2019.
- Respondent's address of record is: c/o American Family Alanna Cole Agency,
   McCulloch Blvd., Suite A, Lake Havasu City, AZ 86403 (business and mailing).
- 3. On or about March 15, 2016, Respondent submitted to the Department an Arizona Application for Consent to Engage in the Business of Insurance under 18 USC § 1033 ("1033 Waiver Request"). The 1033 Waiver Request identified Respondent's employer as American Family Insurance the Alanna Cole Agency, located at 2110 McCullough Blvd., Ste. A, Lake Havasu City, Arizona 86403.

- 4. On March 28, 2016, the Interim Director granted the 1033 Waiver Request to Respondent limited to "your position as an insurance producer with American Family Insurance the Alanna Cole Agency."
- 5. On January 31, 2017, American Family Insurance the Alanna Cole Agency notified the Department that it no longer employed Respondent as an insurance producer.
  - 6. The public health, safety and welfare imperatively require emergency action.

## **CONCLUSIONS OF LAW**

- 1. The Interim Director has jurisdiction.
- 2. Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under 18 U.S.C. § 1033, may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer. 18 U.S.C. § 1033(e)(2).
- 3. The term "insurer" means any entity the business activity of which is the writing of insurance or the reinsuring of risks, and includes any person who acts as, or is, an officer, director, agent or employee of that business. 18 U.S.C. § 1033(f)(2).
- 4. The Department shall enforce sections 1033 and 1034 of the violent crime control and law enforcement act of 1994 (P.L. 103-322; 18 United States Code sections 1033 and 1034) relating to crimes by or affecting persons who are engaged in the business of insurance and whose activities affect interstate commerce. A.R.S. § 20-489(A).
- 5. Grounds exist for the Interim Director to withdraw her written consent to allow Respondent to engage in the business of insurance, within the meaning of A.R.S. § 20-489(A) and 18 U.S.C. § 1033(e)(2).

1	6. The public health, safety and welfare imperatively require emergency action,
2	within the meaning of A.R.S. § 41-1092.11(B).
3	<u>ORDER</u>
4	IT IS HEREBY ORDERED THAT:
5	1. The Interim Director withdraws the 18 U.S.C. § 1033 waiver she issued to
6	Respondent on March 28, 2016.
7	2. Respondent's insurance producer's license, Arizona license number 1141911, is
8	summarily suspended effective immediately.
9	DATED AND EFFECTIVE this 1 ST day of Jebruary, 2017.
10	
11	Leslie R. Hess
12	Interim <sup>1</sup> Director of Insurance
13	
14	NOTICE OF OPPORTUNITY FOR HEARING
15	Durayant to Title 20 of the Arizona Povised Statutes, Boanandant is hereby natified
16	Pursuant to Title 20 of the Arizona Revised Statutes, Respondent is hereby notified that Respondent may request a hearing pursuant to A.R.S. § 20-161 to contest the summary
17	suspension. Such request must be in writing and received at the following address within
	thirty (30) days from the date hereof:
18	Arizona Department of Insurance
19	2910 North 44 <sup>th</sup> Street, Suite 210 Phoenix, Arizona 85018-7269
20	
21	Upon receipt of a timely written request for hearing, the Interim Director will issue an
22	order setting the time and place of the hearing.
23	

1	COPY of the foregoing mailed this 2 Adday of Jelman 2017, to:
2	
3	Charlotte Mary Escamillá / c/o American Family – Alanna Cole Agency 2110 McCulloch Blvd., Suite A
4	Lake Havasu City, AZ 86403 Respondent
5	Mary E. Kosinski, Regulatory Legal Affairs Officer
6	Steven Fromholtz, Assistant Director – Consumer Affairs Division Catherine M. O'Neil, Consumer Affairs Legal Officer
7	Aqueelah Currie, Licensing Section Arizona Department of Insurance
8	2910 N. 44th Street, Suite 210 Phoenix, Arizona 85018
9	Office of the Attorney General Consumer Protection and Advocacy Section Agency Unit 1275 W. Washington Phoenix, Arizona 85007-2997
10	
11	
12	
13	Maidene Schemer
14	Maidene Scheiner
15	
16	
17	
18	
19	
20	
21	
22	
l	4